

IDAHO STATUTES

TITLE 49

MOTOR VEHICLES

CHAPTER 1

49-102. DEFINITIONS -- A.

(10) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more tires, weighing under eight hundred fifty (850) pounds, forty-eight (48) inches or less in width, having a wheelbase of sixty-one (61) inches or less, traveling on low-pressure tires of ten (10) psi or less. Such vehicles shall be registered under the provisions of section 49-402, Idaho Code, for operation on public highways, unless exempted under the provisions of section 49-426, Idaho Code.

49-402. ANNUAL REGISTRATION.

3) For all motorcycles and all-terrain vehicles operated upon the public highways the annual fee shall be nine dollars (\$9.00). For operation of an all-terrain vehicle or motorcycle off the public highways, the fee specified in section 67-7122, Idaho Code, shall be paid. Registration exemptions provided in section 49-426(2), (3) and (4), Idaho Code, apply to all-terrain vehicles and motorcycles used for the purposes described in subsections (2), (3) and (4) of section 49-426, Idaho Code.

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, any state registered nonprofit subscription fire protection unit, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) Farm tractors, implements of husbandry, those manufactured homes which qualify for an exemption under the provisions of section 49-422, Idaho Code, road rollers, wheel mounted tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies, portable toilet trailers, street sweepers, and similar devices as determined by the department which are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in section 49-108(2), Idaho Code. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn mowers, and scooters operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter. Motorcycles and all-terrain vehicles need not be registered under the provisions of this

chapter if they are:

(a) Being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations or used exclusively for snow removal purposes. Travel upon the public highways shall be limited to travel between farm or ranch locations. Motorcycles and all-terrain vehicles used for this purpose shall meet the requirements of section 49-619, Idaho Code; or

(b) Used exclusively on unpaved highways located on state public lands or federal public lands which are not part of the highway system of the state of Idaho, a county, highway district or city, provided the registration requirements of section 49-402 or section 67-7122, Idaho Code, are met.

(3) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances designating highways or sections of highways under its jurisdiction upon which unregistered all-terrain vehicles and motorcycles may be operated. No controlled access highways shall be designated under this subsection. The requirements of title 18 and chapters 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of any unregistered motorcycle and all-terrain vehicle upon such designated highways. Costs related to the posting of signs on such designated highways or sections of highways indicating the ordinance are eligible for reimbursement through the motorbike recreation account created in section 67-7126, Idaho Code.

(4) The Idaho transportation board may designate sections of state highways over which all-terrain vehicles and motorcycles not registered under this chapter 4 may cross. The requirements of title 18, and chapters 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of unregistered all-terrain vehicles and motorcycles when using designated crossings on state highways.

49-501. TITLING REQUIREMENTS -- EXEMPTIONS. (1) The provisions of this chapter shall apply to every vehicle required to be registered with the department in chapter 4, title 49, Idaho Code.

(2) In addition, the titling requirements of this chapter shall apply to the following vehicles which are not required to be registered under the provisions of chapter 4, title 49, Idaho Code:

(a) All-terrain vehicles, motorbikes and snowmobiles as defined in section 67-7101, Idaho Code; and

(b) Manufactured homes as defined in section 39-4105, Idaho Code.

(3) Certain vehicles which are required to be registered under the provisions of chapter 4, title 49, Idaho Code, shall be exempt from the titling requirements of this chapter as follows:

(a) Utility trailers whose unladen weight is less than two thousand (2,000) pounds; and

(b) The board may, by rule, exempt vehicles and motor vehicles registered under provisions of sections 49-434 and 49-435, Idaho Code, from the titling requirements of this chapter.

(4) Vehicles exempt from registration under the provisions of section 49-426, Idaho Code, are exempt from the titling requirements of this chapter, unless otherwise specifically required by the provisions of subsection (2) of this section.

49-502. DELIVERY OF CERTIFICATE OF TITLE UPON SALE OR DISPOSITION -- REASSIGNMENT BY DEALERS. No person shall sell or otherwise dispose of a vehicle without delivery to the purchaser or transferee a certificate of title with an assignment as necessary to show title in the purchaser, nor purchase or otherwise acquire or bring into the state a vehicle except for temporary use as provided by section 49-432, Idaho Code, unless he shall obtain a certificate of title in his name in accordance with the provisions of this chapter. Any dealer holding current Idaho dealer license plates may, in lieu of having a certificate of title issued in his name, reassign any existing certificate of title issued in this state.

49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE -- IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be made upon a form furnished by the department and shall contain a full description of the vehicle including the make, identification numbers, and the odometer reading at the time of sale or transfer, and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon the vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and any other information as the department may require. The application shall be filed with the department, and if a certificate of title has previously been issued for that vehicle in this state, shall be accompanied by the certificate of title duly assigned, unless otherwise provided for in this chapter. The department may promulgate rules to provide for exceptions to the odometer requirement.

(2) If a certificate of title has not previously been issued for the vehicle in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or a duly certified copy thereof, or by a certificate of title, bill of sale or other evidence of ownership required by the law of any other state from which the vehicle was brought into this state, and a vehicle identification number inspection completed by any city, county or state peace officer or other special agent authorized by the department.

(3) In the case of a new vehicle being titled for the first time, no certificate of title or registration shall be issued unless the application is indorsed by a franchised new vehicle dealer licensed to sell a new vehicle. Each application shall be accompanied by a manufacturer's certificate of origin or manufacturer's statement of origin executed by the manufacturer and delivered to his agent or his franchised vehicle dealer. The certificate or statement of origin shall be in a form prescribed by the board and shall contain the year of manufacture or the model year of the vehicle, the

manufacturer's vehicle identification number, the name of the manufacturer, the number of cylinders, a general description of the body, if any, and the type or model. Upon sale of a new vehicle, the manufacturer, his agent or franchised dealer shall execute and deliver to the purchaser an assignment of the certificate or statement, together with any lien or encumbrance to which the vehicle is subject.

(4) The department shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The department shall maintain an identification numbers index of registered vehicles, and upon receiving an application for a certificate of title, shall first check the identification number shown in the application against the index. The department, when satisfied that the applicant is the owner of the vehicle and that the application is in proper form, shall issue in the name of the owner of the vehicle a certificate of title bearing a title number, the date issued and a description of the vehicle as determined by the department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle, and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement.

(5) In all cases of transfer of vehicles the application for certificates of title shall be filed within thirty (30) calendar days after the delivery of the vehicles. Licensed dealers need not apply for certificate of title for vehicles in stock or when they are acquired for stock purposes.

(6) In the case of the sale of a vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. If a lien is to be recorded, the title documentation as required in this section shall be submitted to the department by the dealer or the lienholder upon application signed by the purchaser. A copy of this application shall be given to the purchaser to be used as a seventy-two (72) hour temporary permit. In all other cases the certificates shall be obtained by the purchaser and the seller's bill of sale shall serve as a seventy-two (72) hour permit. The seventy-two (72) hour time period for temporary permits shall be calculated excluding weekend days and legal holidays observed by the state of Idaho. This temporary permit allows operation of any noncommercial vehicle or unladen commercial vehicle or vehicle combination without license plates for the period of time specified in the permit. A laden commercial vehicle or vehicle combination may also operate without license plates for the period of time specified in the temporary permit provided that the owner or operator has also obtained a permit issued under the provisions of section 49-432, Idaho Code.

(7) If the vehicle has no identification number, then the department shall designate an identification number for that vehicle at the time of issuance of the certificate of title. The identification number shall be permanently affixed to or indented upon the frame of the vehicle and legibly maintained by the owner at all times while a certificate of title to the vehicle shall be issued and outstanding.

49-619. SLOW MOVING VEHICLES -- RESTRICTIONS AND EXCEPTIONS,
EQUIPMENT --

EMBLEMS ON CERTAIN MACHINERY -- LIMITED EXEMPTION. (1) It shall be unlawful to

operate a slow moving vehicle on the highways at the following times and under the following circumstances:

- (a) From one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, unless the vehicle or equipment is equipped with lights as required by section 49-916, Idaho Code;
- (b) At a speed in excess of twenty-five (25) miles per hour, unless the vehicle or equipment, including towed units of farm equipment, is designed to safely travel at speeds in excess of twenty-five (25) miles per hour, but no such vehicle or equipment shall exceed the posted maximum speed limit and shall be operated by a licensed driver;
- (c) In such a manner as to obstruct the free movement of traffic on the highways.

(2) A slow moving vehicle shall be equipped with a braking system and with a mechanical signaling device as required for other similarly constructed vehicles.

(3) All slow moving vehicles, farm tractors, road rollers and implements of husbandry shall have affixed at the rear of the vehicle an emblem identifying them as slow moving equipment. The Idaho traffic safety commission shall recommend to the board the minimum standards for the emblem.

(4) Emergency and snow removal vehicles owned and operated by the state or its political subdivisions when en route to, from, or in the performance of activities essential to the public safety, shall be exempt from the provisions of paragraphs (a) and (c) of subsection (1) of this section.

49-666. MOTORCYCLE AND ATV SAFETY HELMETS -- REQUIREMENTS AND STANDARDS.

No person under eighteen (18) years of age shall ride upon or be permitted to operate a motorcycle or an all-terrain vehicle unless at all times when so operating or riding upon the vehicle he is wearing, as part of his motorcycle or ATV equipment, a protective safety helmet of a type and quality equal to or better than the standards established for helmets by the director, except the provisions of this section shall not apply when such vehicles are operated or ridden on private property, or when used as an implement of husbandry.

TITLE 63
REVENUE AND TAXATION

Chapter 24

Motor Fuels Tax

63-2402. IMPOSITION OF TAX UPON MOTOR FUEL. (1) A tax is hereby imposed upon the receipt of motor fuel in this state by any distributor receiving motor fuel upon which the tax imposed by this section has not previously been paid. The tax shall be imposed without regard to whether use is on a governmental basis or otherwise, unless exempted by this chapter.

(2) The tax imposed in this section shall be at the rate of twenty-five cents (25¢) per gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and refunds set forth in this chapter. The tax shall be paid by distributors upon the distributor's receipt of the motor fuel in this state.

(3) Any person coming into this state in a motor vehicle may transport in the manufacturer's original tank of that vehicle, for his own use only, not more than thirty (30) gallons of motor fuel for the purpose of operating that motor vehicle, without complying with the provisions of this chapter.

(4) The tax imposed in subsection (1) of this section does not apply to:

(a) Special fuels that have been dyed at a refinery or terminal under the provisions of 26 U.S.C. section 4082 and regulations adopted thereunder, or under the clean air act and regulations adopted thereunder except as provided in section 63-2425, Idaho Code; or

(b) Special fuel dispensed into a motor vehicle which uses gaseous special fuels and which displays a valid gaseous special fuels permit under section 63-2424, Idaho Code; or

(c) Special fuels that are gaseous special fuels, as defined in section 63-2401, Idaho Code, except that part thereof that is delivered into the fuel supply tank or tanks of a motor vehicle; or

(d) Aircraft engine fuel subject to tax under section 63-2408, Idaho Code.

FUELS TAX

63-2405. PAYMENT OF TAX. The excise tax imposed by section 63-2402, Idaho Code, is to be paid by the distributor, and measured by the total number of gallons of motor fuel received by him, at the rate specified in section 63-2402, Idaho Code. That tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required in section 63-2406, Idaho Code.

63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIRCRAFT

ENGINE FUEL. (1) The revenues received from the taxes imposed by sections 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline, and any penalties, interest, or deficiency additions, shall be distributed periodically as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the gasoline tax requirements by the

commission, as determined by it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (e) of this subsection.

(b) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of two hundred fifty thousand dollars (\$250,000) shall be distributed to the railroad grade crossing protection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 62-304C, Idaho Code.

(d) As soon as possible after the beginning of each fiscal year, the sum of one hundred thousand dollars (\$100,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

(e) From the balance remaining with the commission after distributing the amounts in paragraphs (a) through (d) of subsection (1) of this section:

1. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code;

2. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the off-road motor vehicle account, as created in section 57-1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off-road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the

department of parks and recreation shall be returned to the state treasurer for deposit in the off-road motor vehicle account.

Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code; and

3. Forty-four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57-1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.

4. The balance remaining shall be distributed to the highway distribution account created in section 40-701, Idaho Code.

(2) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

Chapter 71

Recreational Activities

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle (ATV)" means any recreation vehicle with three (3) or more tires, under eight hundred fifty (850) pounds and forty-eight (48) inches or less in width, having a wheelbase of sixty-one (61) inches or less, traveling on low-pressure tires of ten (10) psi or less.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

(7) "Director" means the director of the department of parks and recreation.

(8) "Highway." (See section 40-109, Idaho Code, but excepting public roadway as defined in this section).

(9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

(10) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, or snowmobile.

(11) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(12) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(13) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.

(14) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners, and which is not otherwise registered or licensed under the laws of the state of Idaho.

(15) "Vendor" means any entity authorized by the department to sell recreational registrations.

(16) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

67-7112. GROOMED SNOWMOBILE TRAILS. Any all terrain vehicle operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be registered as a snowmobile under the provisions of section 67-7103, Idaho Code. Counties shall have the option to allow all terrain vehicles, if registered, to use snowmobile trails in the county.

67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCE. Any person driving or operating a snowmobile or all-terrain vehicle under the influence of alcohol, drugs or any other intoxicating substance on a public roadway or highway, as authorized in this chapter, or off-road shall be guilty of a misdemeanor.

67-7122. REQUIREMENTS -- REGISTRATION -- PROCEDURE. (1) On or before

January 1 of each year, the owner of any all-terrain vehicle or motorbike as defined in section 67-7101, Idaho Code, used off public highways or on highways designated as prescribed in section 49-426(3), Idaho Code, but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes, shall register that vehicle at any vendor authorized by the department. A fee of ten dollars (\$10.00) shall be charged for each registration, which fee includes a one dollar and fifty cent (\$1.50) vendor fee. At the time of sale from any dealer, each motorbike or all-terrain vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on private land for agricultural use or used exclusively for snow removal purposes, must be registered before it leaves the premises. Application blanks and stickers shall be supplied by the department and the registration sticker shall be issued to the person making application for registration. The vendor issuing the registration sticker shall, upon receipt of the application in approved form, issue to the applicant a motorbike/ATV sticker and shall note the number of the sticker in his records and shall supply a duplicate copy of the application form, noting the number of the sticker issued, to the department. All stickers which are issued shall be in force through December 31 of the issued year. All registration stickers shall be renewed by the owner of the all-terrain vehicle or motorbike in the same manner provided for in the initial securing of the same. The issued sticker shall be placed upon the all-terrain vehicle or motorbike in such a manner that it is completely visible and shall be kept in a legible condition at all times.

(2) For operation of an all-terrain vehicle or motorbike on the public highways, the vehicle shall also be registered pursuant to the provisions of section 49-402, Idaho Code, except for those highways defined in section 49-426, Idaho Code.

67-7123. TRANSFER OF STICKER. The purchaser of an off-highway motor vehicle, which has been previously registered, shall within fifteen (15) days after acquiring same, make application to a vendor for transfer to him of the sticker of registration issued to the off-highway vehicle, giving the same information as on the original application and the number of the sticker, and shall at the same time pay a transfer fee of one dollar and fifty cents (\$1.50).

67-7124. NONRESIDENT -- EXEMPTION. The provisions of section 67-7122, Idaho Code, regarding registration shall not apply to any nonresident owner; provided that if a nonresident owner operates the vehicle for over thirty (30) days within this state he shall be subject to the registration provisions of law.

67-7125. NOISE ABATEMENT. (1) Except as hereinafter provided, every vehicle subject to registration under section 67-7122, Idaho Code, shall comply with the provisions of this section. Every vehicle subject to the

provisions of this section shall at all times be equipped with an exhaust system in good working order and in constant operation. If the vehicle was originally equipped with a noise suppressing system or if the vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect, modify or alter any part of that system in any manner which will amplify or increase the vehicle's noise emission above the noise limits established in subsection (3) of this section, except temporarily in order to make repairs, replacements or adjustments. No person shall operate and no owner shall cause or permit to be operated any vehicle while the vehicle's noise emission exceeds the noise limits established in subsection (3) of this section or while the vehicle's noise suppressing system is disconnected, modified or altered in violation of the provisions of this section.

(2) No person shall operate a vehicle subject to the provisions of this section unless that vehicle is equipped with a spark arrester device, affixed to the exhaust system, of a type qualified and rated by the United States forest service. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner.

(3) Any vehicle subject to the provisions of this section shall at all times be equipped with a noise suppressing system or other device which limits noise emission to a base level of not more than ninety-six (96) decibels when measured on the "A" scale using standards and procedures established by the society of automotive engineers (SAE), specifically SAE standard J1287, June, 1988, describing a test of a stationary vehicle with sound measured twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or as otherwise described. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner or on public land under permit.

(a) The department shall adopt regulations in accordance with chapter 52, title 67, Idaho Code, establishing the test procedures and instrumentation to be utilized. These procedures shall incorporate requirements for the test site environment and sound measuring equipment as set forth in SAE standard J1287, June, 1988.

(b) Instrumentation shall include but not be limited to a sound level meter meeting the type 1, type S1A, type 2, or type S2A requirements of the American national standards institute (ANSI) specification for sound level meters, S1.4-1983; a sound level calibrator, microphone wind screen, external engine speed tachometer.

(4) A showing that the noise emission level of any vehicle subject to and not otherwise exempt from the provisions of this section exceeds ninety-six (96) decibels, as described and tested in subsection (3) of this section, shall be prima facie evidence of a violation of subsection (1) of this section.

67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The ten dollar (\$10.00) fee collected for off-highway vehicle registration stickers shall be allocated as follows:

- (1) Vendors shall charge one dollar and fifty cents (\$1.50) for a handling fee;
- (2) Up to fifteen percent (15%) shall be allotted to the department for administration and for the production of registration stickers, which moneys shall be placed in the motorbike recreation account; and
- (3) The remaining funds shall be transmitted to the state treasurer's office for deposit to the credit of the motorbike recreation account, all such moneys to be transmitted to the state treasurer on or before the 10th day of each month.

67-7127. USE OF MONEYS IN ACCOUNT. The board shall administer the motorbike recreation account. The moneys derived from this account shall be used as follows:

- (1) For the securing of special leases or permits, or for the actual purchase of land under private, state or federal ownership to be used for recreational off-highway vehicle activity;
- (2) For the securing, maintenance, construction or development of trails and other recreational facilities for off-highway vehicle use on state and federal lands;
- (3) To finance the formulation and implementation under the board's direction of an off the road rider education program.
- (4) To acquire applicable federal matching funds.

67-7128. OFF-ROAD MOTOR VEHICLE ADVISORY COMMITTEE -- CREATION --

SELECTION -- TERM OF OFFICE -- DUTY. (1) The park and recreation board shall appoint an off-road motor vehicle advisory committee (ORMV) of nine (9) members. The membership of the advisory committee shall consist of three (3) members each from northern Idaho, southwestern Idaho, and southeastern Idaho. Two (2) members from each area shall represent the following groups: motorbikes or ATV riders and snowmobilers. One (1) member interested in ORMV projects shall be appointed from each area without regard to the recreational activity in which that member participates and shall represent interests other than motorbike or ATV riders and snowmobilers. Each member of the advisory committee shall be chosen by the park and recreation board to serve a term of four (4) years, except that the term of the initial appointees shall commence on the date of appointment and shall be of staggered lengths. Each member of the advisory committee shall be a qualified elector of the state. Duties shall include:

- (a) Representing the best interests of the ORMV users and activities

which they represent in the district from which they are appointed;

(b) Advising the department as to whether proposed ORMV projects meet the needs of ORMV users in that area;

(c) Advising the department as to how funds can be used to rehabilitate areas on public or private lands and how the department can assist in the enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho;

(d) The three (3) motorbike or all terrain vehicle representatives from the ORMV advisory committee shall advise the department on matters relating to the use of moneys in the motorbike recreation account as provided for in section 67-7127, Idaho Code.

(2) The department may reimburse members of the ORMV advisory committee for reasonable expenses incurred in the conduct of their official duties prescribed in section 59-509(b), Idaho Code, and authorized by the department.

67-7129. PENALTIES. Unless otherwise specifically provided, any violation of the provisions of this chapter or any rule promulgated by the department pursuant to this chapter, shall be an infraction and be punished as provided in section 18-111, Idaho Code.

IDAHO REGULATIONS

PARKS AND RECREATION BOARD

IDAPA 26

TITLE 01

Chapter 37

26.01.37 - RULES GOVERNING TEST PROCEDURES AND INSTRUMENTS FOR NOISE ABATEMENT OF OFF HIGHWAY VEHICLES

000.LEGAL AUTHORITY. The Idaho Park and Recreation Board is authorized under Section 67-7125, Idaho Code to promulgate rules to effectuate the purposes of and aid in the administration of Section 67-7125, Idaho Code. (7-1-94)

001.TITLE AND SCOPE. 01. Title. The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.37, “Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles”. (7-1-94) **02. Scope.** This chapter establishes rules to effectuate the purposes of and aid in the administration and enforcement of Section 67-7125, Idaho Code. (7-1-94)

003.APPEALS. Any applicant who may be adversely affected by a final order, decision, ruling, or direction of the director or board may appeal such final order, decision, ruling, or direction as outlined under IDAPA 26.01.01.250, “Rules of Administrative Procedure of the Idaho Park and Recreation Board”. (7-1-94)

006.CITATION. The official citation of this chapter is IDAPA 26.01.37.000 et seq. For example, the citation for this section is IDAPA 26.01.37.006. (7-1-94)

010.DEFINITIONS. As used in this chapter: (7-1-94)

01. All Terrain Vehicle (ATV). Any recreation vehicle with three (3) or more tires, under eight hundred fifty (850) pounds and less than forty-eight (48) inches in width, having a wheelbase of sixty-one (61) inches or less, traveling on low pressure tires, less than ten (10) pounds per square inch (psi). (4-11-06)

02. A-Weighting Scale. A sound filtering system contained in a sound meter which adjusts (weights) the incoming sound energy to approximate human hearing. (7-1-94)

03. Calibrator. A device used to standardize the reading of a sound level meter. (7-1-94)

04. CC. The displacement (size) of an engine in cubic centimeters. The cc's of an engine refers to the piston displacement or engine size. (7-1-94)

05. Db or Decibel. A unit used to measure the amplitude of sounds. As a sound measured in decibels increases, so does its loudness. (7-1-94)

06. Off Highway Vehicle (OHV). Any ATV or motorbike as defined in Section 67-7101, Idaho Code, used off public highways but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes. These vehicles, together with others not covered by these rules, are sometimes commonly known as off-road vehicles or ORMV's. (7-1-94)

07. Operator. Any person who is in physical control of an OHV. (7-1-94)

08. Red-Line Speed. The lowest numerical engine speed included in the red zone on the OHV tachometer or prescribed by the manufacturer as compiled in the "Off-Highway Motorcycle and ATV Stationary Sound Test Manual" published by the Motorcycle Industry Council, Inc. (7-1-94)

09. Revolutions per Minute (RPM). The number of times the crankshaft of an engine revolves in one (1) minute. (7-1-94)

10. Sound Level Meter. An instrument used for measuring sound levels, which includes a microphone, an amplifier, and meter with frequency weighing networks, such as the A-weighting scale. (7-1-94)

11. Tachometer. A device used to measure RPM of an engine. Tachometers used to obtain sound level measurements may be permanently affixed to the OHV or may be portable units such as hand-held electric, vibrating reed, or inductive tachometers. (4-11-06)

050.TEST PROCEDURE.

01. Test Site. The test site must be a flat, open surface free of large reflecting surfaces, other than the ground, such as parked vehicles, signboards, or hillsides located within sixteen (16) feet of the (OHV) being tested and the location of the microphone of the sound level meter. (7-1-94) **a.** Ambient sound level. The ambient sound level, including wind effects, at the test site due to sources other than the OHV being measured shall be at least ten (10) dB lower than the sound produced by the OHV under test. (7-1-94) **b.** Wind speed. Wind speed at the test site shall be less than twenty (20) miles per hour. (7-1-94) **c.** Persons in test area. While making sound level measurements, not more than one (1) person other than the operator, the measurer, and the assistant, if necessary, shall be within ten (10) feet of the OHV under test or the microphone of the sound level meter, and that person shall be directly behind the measurer on a line through the microphone of the sound level meter and the measurer. (7-1-94)

02. Test Surface. The surface of the ground within the test area shall be paving or hard packed earth, level within an average slope of five (5) inches per foot and shall be free of loose or powdered snow, plowed soil, grass of a height greater than six (6) inches, trees, or other extraneous materials. (7-1-94)

03. Position of OHV. (7-1-94) **a.** For two (2) wheeled OHV's, the operator may sit astride of the OHV, in normal riding position with both feet on the ground. If this is not possible because of the seat height of the OHV, an assistant may hold the OHV by the forks, front wheel, or handlebars so that it is stationary with its longitudinal plane of symmetry vertical. If an assistant is not available to assist in holding the OHV upright, the operator may use a box, rock or other object to rest his feet upon to steady the OHV, so long as the OHV longitudinal plane of symmetry is vertical and stationary. (7-1-94) **b.** For three (3) wheeled and four (4) wheeled ATV's, the operator may sit in the normal riding position with one (1) or both feet on the footrests. (7-1-94)

04. Operation of OHV. (7-1-94) **a.** If the OHV has a neutral gear, the operator shall run the engine with the gear box in neutral at a speed equal to one-half (1/2) of the rated engine speed or one-half (1/2) of the red line speed specified by the manufacturer as compiled in the "Off Highway Motorcycle and ATV Stationary Sound Test Manual". (7-1-94) **b.** If the OHV has no neutral gear, it shall be operated either with the rear wheel(s) at least two (2) inches clear of the ground or with the drive chain or belt removed, or the clutch, if the OHV is so equipped, disengaged. (7-1-94)

05. Engine Temperature. The engine of the OHV being tested shall be at a normal operating temperature during the test. (7-1-94)

100.MEASUREMENT.

01. Sound Level Meter Settings. The sound meter shall be set for the A-weighting scale and may be set for either slow or fast dynamic response. (7-1-94)

02. Exhaust Outlets. Tests shall be made on each side of the OHV having an exhaust outlet. (7-1-94)

03. Location of the Microphone of the Sound Level Meter. (7-1-94)

a. The microphone of the sound level meter shall be located twenty (20) inches - one-half (1/2) inch behind the exhaust. If there is more than one (1) exhaust outlet per side, the microphone of the sound level meter shall be located with reference to the rear most outlet. (7-1-94)

b. The microphone of the sound level meter shall be within one-half (1/2) inch of the height of the exhaust outlet. (7-1-94)

c. The microphone of the sound level meter shall be at a forty-five (45) degree - ten (10) degree angle to the normal line of travel of the OHV. (7-1-94)

d. The longitudinal axis of the microphone of the sound level meter shall be in a plane parallel to the ground plane. (7-1-94)

e. The axis of the microphone of the sound level meter shall be oriented as specified for field response by the manufacturer. (7-1-94)

04. Attachments Prohibited. No wire or other rigid means of distance measurement shall be attached to the sound level meter measuring system. (7-1-94)

05. Sound Level. The sound level recorded shall be that measured during steady state operation at the engine speed specified in Subsections 050.04 and 050.05 of this chapter, two hundred (200) RPM, measured on the loudest side of the OHV. The test speed in RPM shall also be recorded. (7-1-94)

06. Calibration. Calibration of the sound level meter using a sound level calibrator with an accuracy of one-half (1/2) dB shall be made immediately before the first test of each day. Field calibration should be made at intervals of no more than one (1) hour. (7-1-94)

101. -- 149.(RESERVED).

150.EQUIPMENT.

01. Sound Level Meter. A type one (1) sound level meter, which generally can provide the most accurate measurements, shall be used for certification of exhaust systems and for law enforcement purposes. (7-1-94)

02. Tachometer. A hand-held tachometer of the type described in Subsection 010.11 shall be used if the OHV does not have a permanently affixed tachometer. (7-1-94)

03. Calibrator. A calibrator appropriate for use with the sound level meter shall be used to calibrate the sound level meter. (7-1-94)

04. Manual. Persons measuring sound levels for law enforcement purposes shall use the “Off- Highway Motorcycle And ATV Stationary Sound Test Manual”, published by the Motorcycle Industry Council, Inc. for current information concerning manufacturer’s specifications for OHV operation. (7-1-94)